

Message Text

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PAGE 01 MONTEV 03259 031300Z

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SUBJ: CHANGES IN URUGUAYAN GOVERNMENT

1. SUMMARY: SIGNIFICANT INSTITUTIONAL CHANGES WERE MADE SEPTEMBER 1 IN THE STRUCTURE OF THE URUGUAYAN GOVERNMENT. INSTITUTIONAL ACT NO. 3, PROMULGATED SEPTEMBER 1, CREATED A MINISTRY OF JUSTICE, ACCORDED THE MEMBERS OF THE NATIONAL SECURITY COUNCIL THE RANK OF MINISTER, CREATED A SECRETARIAT OF PLANNING, COORDINATION, AND INFORMATION, CONTINUED THE INTERVENTION OF MUNICIPALITIES AND REVOKED THEIR POWER TO TAX. NOT INCLUDED IN THE ACT, BUT ALSO ANNOUNCED, WAS THE DISSOLUTION OF THE MINISTRY OF HOUSING AND SOCIAL PROMOTION. ITS FUNCTIONS WILL BE ASSUMED BY THE MINISTRY OF DEFENSE UNTIL THE COUNCIL OR STATE REDISTRIBUTES THE FORMER MINISTRY'S VARIED RESPONSIBILITIES. END SUMMARY.

2. AMONG THE FIRST PUBLIC ACTS OF PRESIDENT MENDEZ ON SEPTEMBER 1 WAS THE SIGNING OF INSTITUTIONAL ACT NO. 3, WHICH ALTERED SUBSTANTIALLY THE STRUCTURE OF THE GOVERNMENT
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PAGE 02 MONTEV 03259 031300Z

OF URUGUAY. THE DECREED FORMATION OF A NEW MINISTRY OF

JUSTICE, FOR EXAMPLE, EXPLICITLY CHANGES THE CONCEPT OF THE SEPARATION OF POWERS EMBODIED IN THE URUGUAYAN CONSTITUTION. THE PREAMBLE OF INSTITUTIONAL ACT NO. 3 SAYS IN PART THAT OF THE TWO CARDINAL PRINCIPALS GOVERNING THE RELATIONS BETWEEN THE BRANCHES OF GOVERNMENT, THE "NEGATIVE" SEPARATION OF POWERS HAD COME TO DOMINATE THE "NATURAL ODSUPREMACY" OF THE EXECUTIVE. THE SUPREMACY OF THE EXECUTIVE IS NECESSARY, STATES THE ACT, DUE TO THE WORLD SITUATION WHICH INCLUDES ABNORMAL DISTURBANCES IN POLITICAL, SOCIAL, AND ECONOMIC CONDITIONS. THE ACT GOES ON TO SAY THAT IT WAS THEREFORE NECESSARY TO CREATE A MINISTRY OF JUSTICE TO "HARMONIZE THE RELATIONS BETWEEN THE EXECUTIVE BRANCH AND THE JUDICIAL BRANCH AND OTHER JUDICIAL AGENCIES, EXCEPTING THE MILITARY JUDICIAL SYSTEM." NO DETAILS WERE PROVIDED AS TO THE POWERS OF THE NEW MINISTRY, NOR HAS THERE BEEN AN ANNOUNCEMENT AS TO WHO WILL BE NAMED MINISTER OF JUSTICE. NEWSPAPER REPORTS INDICATE THAT THE NEW MINISTRY WILL TAKE OVER ADMINISTRATIVE CONTROL AND/OR FUNCTIONS OF THE ATTORNEY GENERAL, STATES ATTORNEYS, DEPARTMENTAL ATTORNEYS AND PROSECUTING ATTORNEYS. UNTIL NOW THEY HAVE OPERATED WITH AUTONOMY, BUT UNDER THE ADMINISTRATIVE CONTROL OF THE OFFICE OF JUSTICE IN THE MINISTRY OF EDUCATION.

3. THE MEMBERS OF THE NATIONAL SECURITY COUNCIL (COSENA) HAVE BEEN ACCORDED THE RANK OF MINISTER. THUS, THE ARMY, AIR FORCE, AND NAVY CINCS, AND THE CHIEF OF THE JOINT STAFF BECOME IN EFFECT MEMBERS OF THE CABINET. THIS STEP FURTHER INSTITUTIONALIZES THE ROLE OF THE MILITARY IN THE GOVERNMENT. ARTICLE 1 OF THE ACT, HOWEVER, STATES THAT THE EXECUTIVE POWER OF THE GOVERNMENT WILL BE EXERCISED BY THE PRESIDENT, ACTING WITH THE MINISTERS, THE NATIONAL SECURITY COUNCIL, OR THE COUNCIL OF MINISTERS IN ACCORDANCE WITH THE LAW, CONSTITUTION, AND INSTITUTIONAL ACTS.

4. A SECRETARIAT OF PLANNING, COORDINATION, AND INFORMATION WAS ALSO CREATED. THE SECRETARIAT WILL BE UNDER THE OFFICE OF THE PRESIDENCY AND WILL BE DIRECTED BY BRIGADIER JOSE CARDOZO, FORMERLY CHIEF OF THE JOINT STAFF. THE NEW OFFICE WILL ABSORB THE OFFICE OF PLANNING AND BUDGET (OPP) LIMITED OFFICIAL USE

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PAGE 03 MONTEV 03259 031300Z

AND THE NATIONAL BUREAU OF PUBLIC RELATIONS (DINARP). THE ACT STATES THAT THE NEW SECRETARIAT WILL ASSIST THE EXECUTIVE BRANCH IN THE FORMULATION OF DEVELOPMENT PLANS AND PROGRAMS ON A NATIONAL SCALE AND WILL JOINTLY PARTICIPATE WITH ALL MINISTRIES TO ESTABLISH SPECIFIC POLICIES, TO COORDINATE THEIR EXECUTION, AND PROVIDE INFORMATION TO SUPPORT PROGRAMS. THE DIRECTOR WILL HAVE MINISTERIAL RANK. THE SECRETARIAT WILL BE COMPOSED OF MINISTERS OR THEIR REPRESENTATIVES.

SENTATIVES. THE REPRESENTATIVES MAY NOT BE OF A RANK LOWER THAN DIRECTOR GENERAL (NO. 3 IN MINISTRIES, IN MOST CASES, MILITARY OFFICERS).

5. ARTICLE 5 OF INSTITUTIONAL ACT NO. 3 INTERVENES THE MUNICIPALITIES UNTIL A NEW CONSTITUTION IS PROMULGATED. WHILE THE ACT STATES THAT THE MUNICIPALITIES WILL HAVE WIDE TECHNICAL AUTONOMY, IT SPECIFICALLY REVOKES THEIR POWER TO LEVY TAXES.

6. FINALLY, THE COUNCIL OF STATE WILL TAKE FORMAL ACTION TO ABOLISH THE MINISTRY OF HOUSING AND SOCIAL PROMOTION. THE ACTIVITIES OF THE MINISTRY WILL BE DISTRIBUTED AMONG OTHER GOVERNMENT BODIES. MEANWHILE, THE MINISTRY OF DEFENSE, WILL ASSUME THE ADMINISTRATION OF HOUSING AND SOCIAL PROMOTION AND WILL DRAFT THE LAW WHICH WILL ABOLISH THE MINISTRY AND DISTRIBUTE ITS PROGRAMS TO OTHER AGENCIES OF THE GOVERNMENT.

7. COMMENT: THE ABOVE REPORTS WHAT IS PUBLIC, BUT DOES NOT OFFER INTERPRETATION AS TO ITS MEANING. AS REPORTED, BRIGADIER CARDOZO, FOR EXAMPLE, SAID PRIVATELY ON AUGUST 20 THAT HE REALLY DID NOT KNOW WHAT HIS NEW POSITION EN-TAILED. ALSO, WHEN ASKED ABOUT THE NEW MINISTRY OF JUSTICE, MEMBERS OF THE SUPREME COURT REPLIED THAT THEY DID NOT KNOW THE MEANING OF THE NEW DECREE. AS IS COMMON WITH THIS TYPE OF RAPID (AND PROBABLY BASIC) CHANGE, THE NATURE OF NEW INSTITUTIONS WILL DEPEND LARGELY ON IMPLEMENTING REGULATIONS AND HOW THEY ARE PUT INTO PRACTICE.

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